

121 EDWARD A. MORALES
1200 S 1500 E
T2104
CLEARFIELD, UT 84401
(801)815-7228 C
(801)217-3933 H

RECEIVED CLERK
JAN 12 2009
U.S. DISTRICT COURT

FILED
U.S. DISTRICT COURT
2009 JAN 13 10:45
DIST. CLERK

IN THE UNITED STATE COURT DISTRICT OF UTAH

EDWARD MORALES Pro-se
Plaintiffs.

Vs.

Defendants

CONTINENTAL FINANCE. COMPANY LLC.
FIRST BANK OF DELAWARE INC.

CASE NO.:

Case: 1:09cv00006
Assigned To : Waddoups, Clark
Assign. Date : 1/13/2009
Description: Morales v. Continental
Finance et al

COMPLAINT

JURISTRICTION

This Court has jurisdiction aver this matter under 28 U.S.C. sec. 1331, 1337(a), 1345 and 1355 and under the 15 U.S.C. sec. 45(a) (1), 49, 53 (b), and 56(a), this action arises under 15 U.S.C. sec. 1681(g) (10). Of the DISTRICT OF UTAH 350 SOUTH MAIN STREETS, SALT LAKE CITY, UTAH 84101.

COMPLAINT FOR ACCOUNTING

Plaintiff complains and for causes of action alleges as follows: At all times herein Plaintiff is a Resident of the STATE OF UTAH COUNTY OF DAVIS, with residence at 1200 South 1500 West, Unit T2104, West Haven UT, 84015, with Social Security ending in 7130 (see exhibit #1).

Upon information and belief (see exhibits) Defendants;

- 1) CONTINENTAL FINANCE, LLC. 121 CONTINENTAL DR, NEWARK DE 19713 OR P.O.Box 8099 Newark, DE 19714-8099 Newark, DE Issued By First Bank Of Delaware, Delaware, 19714-8099 U.S.A.

2) FIRST BANK OF DELARARE, 1000 Rocky Run Parkway, Wilmington, DE 19803
PHONE (888)323-3511.

PRELIMINARY ALLEGATIONS

CAUSE(S) OF ACTION: All (5) Defendants (see compliant section);

1- CONTINENTAL FINANCE. COMPANY LLC.

2- FIRST BANK OF DELAWARE INC.

did not follow reasonable and required procedures of the FAIR CREDIT REPORTING ACT (F.C.R.A) and UNITED STAE CODE 15, Chapter 41, Sub-chapter V ,to assure maximum possible accuracy in Plaintiff's credit Report and refused to remove and/or correct inaccuracy information pertaining to **First Bank of DE/ Continental Finance**, (ACCT# 5206-0500-0094-2728") reported; "LATE PAYMENTS AND CURRENT BALANCE" (see exhibit #1). This account was closed in Nov.2007 and paid in full in May, 2008 (see exhibit #2, this account has \$0.00 balance and has never been late) ACCT# 5206-0500-0094-2728" This inaccurate information contained in Plaintiff's Credit Report in VIOLATION of the FEDERAL CREDIT RE[PORTING ACT Title 15 U.S.C. sec. and pursuant to 15 U.S.C. sec. 1681(I) failed to properly reinvestigate the disputed items (see exhibits 2, 3, 4) and property remove/delta the items in question within the time frame provided by the FEDERAL CREDIT REPORTING ACT, from Plaintiff's credit report.

DEMANDS

1
2 **Based on the Complaint the Plaintiff has suffered denial of credit; humiliate ion, mental anguish,**
3 **emotional distress and time lost on Legal research and preparation of this Complaint.**

4 **DEFENDATS have maliciously, willfully, repeatedly and knowingly violated PLAINTIFF'S RIGHT**
5 **UNDER THE "FEDERAL CREDIT REPORTING ACT" (FCRA).**

6 **Plaintiff seeks the immediate and permanently deletion/removal of all misleading and fraudulent**
7 **items from Plaintiff's credit report as well Plaintiff ask, herein an Injunction barring all**
8 **parties/defendants at fault to disclose and decimate any/ but not limited to other parties.**

9 **Plaintiff also seeks herein Punitive Damages in the amount of \$25,000.00 as each of the Defendant's**
10 **actions towards Plaintiff's was malicious and reckless under the F.C.R.A. in which actions**
11 **constitute a wanton and gross disregard of the Law.**

12 **Plaintiff herein also seeks a Trial by Jury of all claims.**

13 **Plaintiff reserve the right to AMEND this action (Complaint) as new discovery may add.**
14
15

16 **WHEREOF PLAINTIFF, RESPECTFULLY REQUEST A JUDGEMENT OF THIS COURT BE INTERED**
17 **AGAINST ALL DEFENDANTS AWARDING ALL ECONOMICS, COMPENSATORY, punitive damages**
18 **and all expenses provided by the LAW and such other and further relief as to the Court may be just**
19 **and proper.**

20 **Plaintiff hereby reserve the Right to amend this**
21 **complains as to include all three credit reporting**
22 **agencies, (Experian, TransUnion and Equifax).**
23
24
25
26
27

28 **DATED this _____ day of Dec. of 2008.**

x

Edward Morales, Plaintiff.

ORIGINAL of the forgoing mailed,

On the _____ day of _____, 2008.

Plaintiff hereby certifies this complaint herein has mailed to all two defendants herein below;

Defendants;

- 1) CONTINENTAL FINANCE, LLC. 121 CONTINENTAL DR, NEWARK DE 19713 OR
P.O.Box 8099 Newark, DE 19714-8099 Newark, DE Issued By First Bank Of Delaware,
Delaware, 19714-8099 U.S.A.
- 2) FIRST BANK OF DELARARE, 1000 Rocky Run Parkway, Wilmington, DE 19803
PHONE (888)323-3511

Please note that if do not remove and do not report any derogatory information within 15 days, all three credit reporting agencies will added to the original complaint

Exhibit # 1

Be Equifax | Help | Logout

My Credit Center

Additional Benefits and Tools

Credit Education

My Membership

View your credit reports
and scores online

Credit Reports & Scores

My Credit Center
Credit Reports and Scores
Credit AlertsI'd like to...
Request an updated report
Dispute an inaccuracy

YOUR 3 BUREAU MERGED CREDIT REPORT

Reference #: F10592220

Original Report Date: 11/25/2008

Name: edward a morales

DOB:

Address: 1260 s 1500 e clearfield, UT 84015

SUMMARY

Account Type	Count	Balance	Payments	Open	Closed	Deferred/Unknown
Real Estate						
Equifax	0	\$0	\$0	0	0	0
Experian	0	\$0	\$0	0	0	0
TransUnion	0	\$0	\$0	0	0	0
Installment						
Equifax	1	\$3,698	\$281	1	0	0
Experian	1	\$5,698	\$281	1	0	0
TransUnion	0	\$0	\$0	0	0	0
Revolving						
Equifax	7	\$2,103	\$128	4	3	0
Experian	8	\$2,195	\$0	0	8	0
TransUnion	0	\$0	\$0	0	0	0
Other						
Equifax	1	\$0	\$0	0	1	0
Experian	0	\$0	\$0	0	0	0
TransUnion	0	\$0	\$0	0	0	0

	Inquiries	Public Records	Collection Accounts	Delinquencies Now	Prior
Equifax	7	0	0	1	0
Experian	25	0	0	1	0
TransUnion	0	0	0	0	0

DEROGATORY INFORMATION

See Contact information to contact creditor

Account Information

Account: FIRST BK OF DEPOSIT Acct #: 5395850000000000 Type: Revolving

continued
→

Bureau	Account Code	Date Open	High Limit	Monthly Payment	Account Balance	Last Reported	Account Status	Amount Past Due										
			\$300															
Experian	1	07/2007	\$209	11/2008	Open													
			\$258			\$50												
			\$333															
Experian	1	07/2007	\$91	11/2008	Closed													
			\$330			\$136												
Comments: Experian Account closed at consumers request																		
Bureau		Days Past Due		History Date	24 Month History													
		30	60	90+														
Equifax		1	0	0	10/2008													
Experian		2	1	0	11/2008													

PUBLIC RECORD

Bureau Court and Tax Recordings
No data was reported

CREDIT INFORMATION

See Contact Information to contact creditor

Account Information

Account: WFS/WACHOVIA DEALER SV					Acct #: 51885049XXXX		Type: Installment												
Bureau	Bureau Code	Date Open	High Limit	Monthly Payment	Account Balance	Last Reported	Account Status	Amount Past Due											
			\$1,798																
Equifax	1	11/2007	\$281	10/2008	Open														
			\$5,608																
			\$7,793																
			\$281	10/2008	Open														
Experian	1	11/2007	\$5,698																
Bureau		Days Past Due		History Date	24 Month History														
		30	60	90+															
Equifax		-	-	-	10/2008														
Experian		0	0	0	10/2008														

Account: SEARS/CBSD				Acct #: 50489443XXXX		Type: Revolving												
Bureau	Bureau Code	Date Open	High Limit	Monthly Payment	Account Balance	Last Reported	Account Status	Amount Past Due										
			\$1,000															
Equifax	1	12/2007	\$29	11/2008	Open													
			\$948															
			\$1,087															
Experian	1	12/2007	\$29	11/2008	Closed													
			\$948															
Comments: Experian Account closed at consumers request																		
Bureau	Days Past Due			History Date	24 Month History													
		30	60	90+														
Equifax		-	-	-	11/2008													
Experian		0	0	0	11/2008													

Account: HSBC BANK				Acct #: 548955512066XXXX		Type: Revolving												
Bureau	Bureau Code	Date Open	High Limit	Monthly Payment	Account Balance	Last Reported	Account Status	Amount Past Due										
			\$700															
	1	08/2007	-	10/2008	Open													
Equifax			\$665				-											
			\$753															
	1	08/2007	\$16	10/2008	Closed													
Experian			\$665		!		-											
Comments: Experian Account closed at consumers request																		
Bureau		Days Past Due		History Date	24 Month History													
		30	60	90+														
Equifax		-	-	-	10/2008	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
						✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Experian		0	0	0	10/2008	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Comments: Experian Account closed at consumers request

✓	✓	✓	✓	✓	✓	✓			
-	✓	✓	✓	✓	✓	✓			

Comments: Experian Account closed at consumers request

[illegible]

Experien	08/2007	- 08/2008	Paid
----------	---------	-----------	------

[illegible]

Comments: Emerlan Account closed at consumers request

[illegible]

Expenditure	12/2007	04/2008	Closed
-------------	---------	---------	--------

Account: CHASE Acct #: 46181820XXXX Type: Revolving
 Bureau Bureau Code Date Open High Limit Monthly Payment Account Balance Last Reported Account Status Amount Past Due
 Equifax 1 04/2008 \$400 \$10 11/2008 Open
 Experian 1 04/2008 \$528 \$10 11/2008 Closed
 Comments: Experian Account closed at consumers request

Bureau	Days Past Due	History	24 Month History
	30 60 90+	Date	
Equifax	- - -	11/2008	✓✓✓✓✓✓✓✓✓✓
Experian	0 0 0	11/2008	✓✓✓✓✓✓✓✓✓✓

Account: AMEX Acct #: 349991569525XXXX Type: Revolving
 Bureau Bureau Code Date Open High Limit Monthly Payment Account Balance Last Reported Account Status Amount Past Due
 Equifax 1 05/2008 \$1,132 - 11/2008 Paid
 Experian 1 05/2008 \$1,132 - 10/2008 Closed
 Comments: Experian Account closed at consumers request

Bureau	Days Past Due	History	24 Month History
	30 60 90+	Date	
Equifax	- - -	10/2008	✓✓✓✓✓✓✓✓✓✓
Experian	0 0 0	10/2008	✓✓✓✓✓✓✓✓✓✓

Account: CIT BANK/DFS Acct #: 7945812985759XXXX Type: Revolving
 Bureau Bureau Code Date Open High Limit Monthly Payment Account Balance Last Reported Account Status Amount Past Due
 Equifax 1 08/2007 \$2,000 - 08/2008 Paid
 Experian 1 08/2007 \$2,000 - 08/2008 Paid

Bureau	Days Past Due	History	24 Month History
	30 60 90+	Date	
Equifax	- - -	08/2008	✓✓✓✓✓✓✓✓✓✓
Experian	0 0 0	08/2008	✓✓✓✓✓✓✓✓✓✓

Account: NEW MILLENNIUM BANK Acct #: 549106502090XXXX Type: Revolving
 Bureau Bureau Code Date Open High Limit Monthly Payment Account Balance Last Reported Account Status Amount Past Due
 Equifax 1 08/2007 \$1,000 - 11/2008 Paid
 Experian 1 08/2007 \$1,002 - 12/2007 Closed
 Comments: Experian Account closed at consumers request

Bureau	Days Past Due	History	24 Month History
	30 60 90+	Date	
Equifax	- - -	11/2007	✓✓✓✓✓✓✓✓✓✓
Experian	0 0 0	12/2007	✓✓✓✓✓✓✓✓✓✓

Account: TNB - TARGET Acct #: 43331XXXX Type: Revolving
 Bureau Bureau Code Date Open High Limit Monthly Payment Account Balance Last Reported Account Status Amount Past Due
 Equifax 1 12/2007 \$200 - 10/2008 Closed
 Experian 1 12/2007 \$200 - 04/2008 Closed

Exhibit # 2



EDUARDO ADRIAN MORALES

Page 1 of 3

Account Number: XXXX XXXX XXXX 2728
 Closing Date: 08/13/08
 Credit Limit: \$300.00
 Available Credit: \$0.00
 Available Cash: \$0.00

Customer Service: (800) 518-6141
 Lost or Stolen Card: (800) 839-3485
 Please Direct Written Inquiries to:
 CONTINENTAL FINANCE
 PO BOX 6889
 NEWARK, DE 19714-8089
 Please Direct Merchant Dispute Inquiries to:
 CONTINENTAL FINANCE
 PO BOX 30311
 TAMPA, FL 33630
 To pay online:
 www.ezcardinfo.com

Previous Balance	\$	107.05
Purchases	+	0.00
Cash Advances	+	0.00
Other Credits	-	0.00
Payments	-	107.05
Other Charges / Debits	+	0.00
Portfolio Finance Charge	+	0.00
Fee / Finance Charge	+	0.00
NEW BALANCE	\$	0.00

Total Payment Due **0.00**
 Payment Due Date **07/08/08**

Minimum Payment \$ **0.00**
 Past Due Amount \$ **0.00**

Mail Payments to: CONTINENTAL FINANCE PO BOX 30311 TAMPA FL 33630-3311

REMEMBER! THE \$25 ANNUAL FEE FOR YOUR ACCOUNT WILL BE BILLED IN THE FOLLOWING BILLING CYCLE, WHICH IS APPROXIMATELY YOUR RENEWAL DATE. TO AVOID AN OVER-LIMIT FEE, BE SURE YOU HAVE ENOUGH AVAILABLE CREDIT TO ACCOMMODATE THIS FEE. YOU CAN CHECK YOUR AVAILABLE CREDIT OR MAKE A PAYMENT AT WWW.EZCARDINFO.COM

Transaction Date	Posting Date	Reference Number	Description	Amount
Payments, Adjustments and Others				
05/12	05/18	78150000037	RETURNED PAYMENT FEE	\$ 35.00
05/12	05/18	78150000037	RETURNED ACH	50.00
05/06	05/06	1752702	ONLINE PAY THANK YOU	50.00
08/08	08/08	1752702	INTERNET PAYMENT FEE	4.00
08/12	08/12	75200501651614184552080	LATE FEE	35.00
08/06	08/12	7816400000014	RETURNED PAYMENT FEE	35.00
08/08	08/12	7816400000014	RETURNED ACH	50.00
08/13	08/13	752005016516165498884	ACCOUNT MAINTENANCE FEE	12.00

THANK YOU FOR YOUR RECENT PAYMENT. HOWEVER, YOUR ACCOUNT IS STILL PAST DUE. PLEASE SEND YOUR PAYMENT TODAY. YOU CAN MAKE PAYMENT ARRANGEMENTS BY CALLING 1-800-518-6142 OR BY VISITING US ONLINE AT WWW.EZCARDINFO.COM

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE- ALLOW 7 DAYS FOR MAIL DELIVERY

VX -

CONTINENTAL FINANCE
 PO BOX 6889
 NEWARK DE 19714-8089



XXXX XXXX XXXX 2728

Check box to indicate
 receipt of this coupon
☐

08/13/08 0.00 0.00 07/08/08

AMOUNT OF PAYMENT ENCLOSED

\$ 0.00

YOU MAY RETURN COUPON
 TO BOX 6889
 NEWARK DE 19714-8089

VOID, DO NOT USE

CONTINENTAL FINANCE
 PO BOX 30311
 TAMPA FL 33630-3311

11 5206 0500 0074 2728 00014900 00028023 6